

The SPCC Rule and Recent Amendments



U.S. Environmental Protection Agency
Office of Emergency Management
November 2010

Presentation Overview

1. SPCC Rule and 2008/2009 Amendments Overview
2. Compliance Date Extension
3. Proposed and Final Amendments
 - A. Milk container proposal and next steps
 - B. Exemptions
 - C. Amended/Clarified Definitions
 - D. Tier I Qualified Facilities
 - E. Other Revisions
 - F. Preamble Clarifications
4. Additional Information

Section 1.

SPCC Rule and Amendments Overview

Spill Prevention, Control and Countermeasure (SPCC) Rule Overview

- Oil Pollution Prevention regulation (40 CFR part 112)
 - Originally promulgated in 1973
 - Specifies requirements for prevention of, preparedness for, and response to oil discharges
- Requirements help prevent oil discharges from reaching navigable waters or adjoining shorelines.
- Certain facilities, **including farms**, are required to develop SPCC Plans that describe equipment, workforce, procedures, and training to prevent, control, and provide adequate countermeasures to a discharge of oil.

What are the SPCC criteria?

- Facilities, including farms that store > 1,320 gallons of oil
- Start counting at 55 gallons (typically drums and totes)
- Facilities that have a “reasonable expectation of an oil discharge” to water

What is a "Reasonable Expectation of an Oil Discharge"?

- Determination by the owner/operator based on geographical and location aspects of the farm
- Consider proximity to water, land contour, drainage
- Exclude secondary containment, such as dikes around tanks and impoundments, in determination
- Good idea to document determination, although not a rule requirement

Definition of a Farm



As defined in December 2006 amendments to the SPCC rule,

A farm is a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

Note: This does not affect applicability determinations under SPCC; have to determine oil storage capacity and reasonable expectation of an oil discharge.

Key SPCC Elements

- Prepare and implement an SPCC plan that outlines equipment and procedures to prevent and respond to an oil spill.
 - Prior to 2006, all plans required a Professional Engineer (PE) to certify.
 - Now allow facilities up to 10,000 gallons to self-certify their plans.
- Containers (tanks, drums, totes) required to have sized secondary containment and overfill prevention.
- Other areas required to have general secondary containment, such as loading/unloading areas and mobile refuelers.

2009 SPCC Rule Amendments

- Finalized certain December 2008 amendments without change
- Removed certain provisions from the December 2008 final rule
- Provided technical corrections to certain provisions of the December 2008 amendments

SPCC Amendments related to farms

- Exempted pesticide application equipment and related mix containers
- Exempted heating oil containers at single-family residences
- Clarified that farm nurse tanks are mobile refuelers
- Amended the definition of “facility”
- Modified secondary containment requirement language at §112.7(c) to provide more clarity
- Simplified security requirements
- Amended tank integrity testing requirements to allow greater flexibility

SPCC Amendments related to farms

- Clarified definition of “permanently closed” tanks and status of new tanks with no fuel added
- Clarified applicability of the rule to man-made structures

SPCC Amendments related to farms that were deleted in Dec. 2009

- Exclusion of farms from loading/unloading rack requirements
- Reason: Most farms do not have a loading/unloading rack, but rather an loading/unloading area

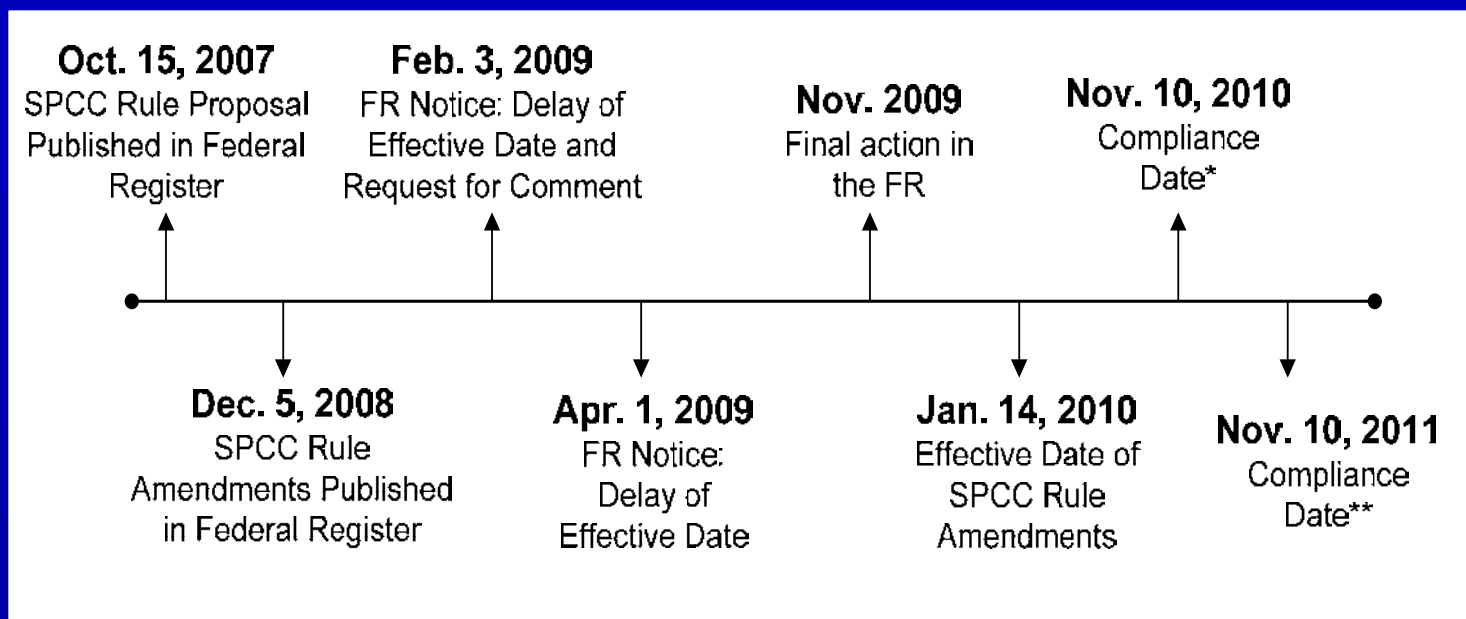
Section 2.

Compliance Dates

SPCC Rule Compliance Dates

- On October 7, 2010, EPA extended the compliance date to most facilities to **November 10, 2011**.
- This compliance date extension applies to all facilities, **including farms**.
- Does not apply to facilities located offshore or with an offshore component or an onshore facility that is required to have and submit Facility Response Plans (FRPs)
- EPA also delayed the compliance date by which a facility must address milk and milk product containers. The date is delayed one year from the effective date of a final rule specifically addressing these milk and milk product containers.

2008/2009 Amendments & Compliance Date Timeline



*The November 10, 2010 compliance date applies to drilling, production or workover facilities, including mobile or portable facilities, located offshore or with an offshore component or an onshore facility that is required to have and submit FRPs

**The November 10, 2011 compliance date applies to all other facilities

Section 3.

2009 Proposed and Final Amendments – more details

Milk Container Proposal

- On January 15, 2009, EPA proposed to exempt milk containers and associated piping and appurtenances constructed to 3-A sanitary standards and subject to the Pasteurized Milk Ordinance (PMO).
- Comment period closed on February 17, 2009.
- June 9, 2010: EPA responded to Dr. Jamie Jonker of the National Milk Producers Federation. EPA signaled that we would complete final action on the proposal in **early 2011**.

Pesticide Application Equipment

- Exempt equipment includes:
 - Ground boom applicators
 - Airblast sprayers
 - Specialty aircraft that apply measured amounts of pesticides to crops and/or soil
 - Related mix containers
- Exemption applies to all pesticide application equipment and related mix containers, regardless of ownership or where used.



Examples of Pesticide Application Equipment

Ground Boom Sprayer



Airblast Sprayer



Aerial Applicator



Residential Heating Oil Containers

- Residential heating oil containers at single-family residences are exempt from the SPCC rule.
- Applies to containers that are:
 - Aboveground or completely buried
 - Located at a farm or single-family residences
 - Used solely to store heating oil used to heat the residence
- SPCC requirements continue to apply to oil containers used to heat other non-residential buildings within a facility.

Amended Definition of "Facility"

- Clarifies that the definition of facility alone determines SPCC applicability.
- Clarifies that containers can be separated or aggregated, based on various factors in defining "facility"
 - The owner or operator has discretion in identifying which contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines make up the facility.
- Adds the terms "property," "parcel," and "lease" to the list of example terms that can be considered in determining facility boundaries.
- Clarifies that the term "waste treatment" refers to oil waste treatment.

Self-Certification under Qualified Facilities Option

- “Qualified facilities” option was added in the 2006 SPCC Amendments for facilities storing up to 10,000 gallons of oil
- Now “Tier I” qualified facilities have an additional option to complete and implement a streamlined, self-certified SPCC Plan template (Appendix G to the rule).
- All other qualified facilities are designated “Tier II” qualified facilities.

Tier I Eligibility Criteria

- 10,000 gallons or less in aggregate aboveground oil storage capacity; and
- For the 3 years prior to Plan certification, or since becoming subject to the rule if it has operated for less than 3 years, the facility must not have had:
 - A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or
 - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period; and
- Maximum individual aboveground oil storage container capacity of 5,000 U.S. gallons.

Tier I Requirements

- Option to complete a self-certified SPCC Plan template instead of a full SPCC Plan
 - A Tier I qualified facility owner/operator can choose to comply with either Tier I or Tier II requirements or prepare a PE-certified Plan in accordance with all applicable requirements of §112.7 and subparts B and C.
- Template is found in Appendix G to the SPCC rule.
- Template is designed to be a simple SPCC Plan.

Tier I Template

- Available at:

<http://www.epa.gov/osweroe1/content/spcc/tier1temp.htm>

Ver. 14-jul-05-18-10

Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

Facility Description

Facility Name _____
Facility Address _____
City _____ State _____ ZIP _____
County _____ Tel. Number () - _____
Owner or Operator Name _____
Owner or Operator Address _____
City _____ State _____ ZIP _____
County _____ Tel. Number () - _____

I. Self-Certification Statement (§112.6(a)(1))
The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I, _____, certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
 - a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
 - b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years (not including oil discharges as described in §112.1(b) that are the result of natural disasters, acts of war, or terrorism); and
 - c. There is no individual oil storage container at the facility with an aboveground capacity greater than 5,000 U.S. gallons.
7. This Plan does not deviate from any requirement of 40 CFR part 112 as allowed by §112.7(a)(2) (environmental equivalence) and §112.7(d) (impracticability of secondary containment) or include any measures pursuant to §112.9(c)(5) for produced water containers and any associated piping;
8. This Plan and individual(s) responsible for implementing this Plan have the full approval of management and I have committed the necessary resources to fully implement this Plan.

Summary: Qualified Facilities Applicability

If the facility has...	And...	And the facility has...	Then:
10,000 U.S. gallons or less aggregate aboveground oil storage capacity;	Within any twelve-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there has been: (1) No single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons; and (2) No two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons in any 12 -month period	No individual aboveground oil containers greater than 5,000 U.S. gallons;	Tier I: Complete and self-certify Plan template (Appendix G to 40 CFR part 112) in lieu of a full PE-certified Plan.
		Any individual aboveground oil container greater than 5,000 U.S. gallons;	Tier II: Prepare self-certified Plan in accordance with all applicable requirements of §112.7 and subparts B and C of the rule, in lieu of a PE-certified Plan.

Revision to General Secondary Containment Requirement

- Clarified that the general secondary containment requirement is intended to address the *most likely oil discharge* from any part of a facility
- Use of active and passive secondary containment, such as spill kits, allowed

New text: "... In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either active or passive in design."

- Modifies §112.7(c) to expand the list of example prevention systems for onshore facilities
 - Additional examples: drip pans, sumps, and collection systems

Security Requirements

A facility owner/operator is required to describe in the SPCC Plan how he will:

- Secure and control access to all oil handling, processing and storage areas;
- Secure master flow and drain valves;
- Prevent unauthorized access to starter controls on oil pumps;
- Secure out-of-service and loading/unloading connections of oil pipelines; and
- Address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.

Integrity Testing

- Provides flexibility in complying with bulk storage container (tanks, drums and totes) inspection and integrity testing requirements.
 - Allows an owner or operator to consult and rely on industry standards to determine the appropriate qualifications for tank inspectors/testing personnel and the type/frequency of integrity testing required for a particular container size and configuration.
 - Enables facilities to easily adjust Plans to reflect changes in industry standards.



Proposed
changes at:
112.8(c)(6)
and
112.12(c)(6)



Farm Nurse Tanks: Preamble Clarification

- Nurse tanks are mobile/portable containers used at farms to store and transport fuel for transfers to or from farm equipment and to other bulk storage containers.
- The definition of “mobile refueler” includes nurse tanks, as well as non-road licensed refueling equipment that are used to refuel farm equipment in the fields.
- Nurse tanks are exempt from sized secondary containment.
- Must meet general secondary containment requirements at §112.7(c)-spill kits



Definition of “Permanently Closed”: Preamble Clarification

- SPCC rule exempts any oil storage container that is permanently closed.
- *Permanently closed* means any container or facility for which:
 - (1) All liquid and sludge has been removed from each container and connecting line; and
 - (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.
- Definition of “permanently closed” does not require a container to be removed from a facility.
- New tanks that are brought on site with out any oil added are not counted towards the 1,320-gallon threshold.

Section 4.

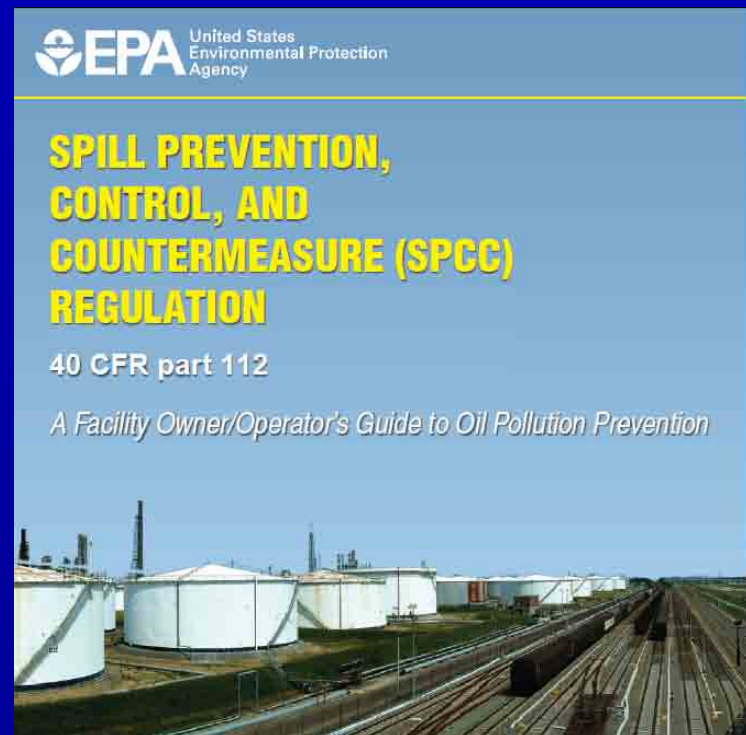
Additional Information

Outreach Tools

- SPCC farm factsheet and blank Tier 1 template on EPA's oil website
- General SPCC Bluebook on website also
- Tier 1 template examples for farms (in the works)
- SPCC Greenbook (in the works)
- **HOTLINE:** Superfund, TRI, EPCRA, RMP, and Oil Information Center
 - (800) 424-9346

SPCC Blue Book

- Available at:
<http://www.epa.gov/oem/docs/oil/spcc/spccbluebroch.pdf>



National Response Center (NRC)

- Report all oil discharges to waters of the United States or adjoining shorelines to NRC at **1-800-424-8802**.
- Federal government's centralized reporting center, which is staffed 24 hours a day by U.S. Coast Guard personnel
- Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge.
- NRC relays information to EPA or U.S. Coast Guard depending on the location of the incident.
- An On-Scene Coordinator evaluates the situation and decides if federal emergency response action is necessary.

SPCC Reporting Requirements

- Some discharges must also be reported to EPA
 - Requirements found in §112.4(a)
 - Applies to facilities subject to the SPCC rule
- Report to the EPA Regional Administrator (RA) when there is a discharge of:
 - More than 1,000 U.S. gallons of oil in a single discharge to navigable waters or adjoining shorelines
 - More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines within a 12-month period
 - When making this determination it is the amount of the discharge in gallons that reaches navigable waters or adjoining shorelines (EPA considers the entire volume of the discharge to be oil for the purposes of these reporting requirements)
 - An owner/operator must report the discharge(s) to the EPA Regional Administrator within 60 days

For More Information

- 2008 and 2009 SPCC rule amendment Federal Register notices (73 FR 74236; Dec. 5, 2008 and 74 FR 58784, Nov. 13, 2009)
 - <http://www.gpoaccess.gov/fr/>
 - <http://www.epa.gov/emergencies/content/spcc/>
- Complete Oil Pollution Prevention regulation (40 CFR part 112)
 - <http://www.gpoaccess.gov/cfr/>
 - <http://www.epa.gov/emergencies/lawsregs.htm>
- EPA Emergency Management Web Sites
 - www.epa.gov/emergencies
 - www.epa.gov/oilspill
- **HOTLINE:** Superfund, TRI, EPCRA, RMP, and Oil Information Center
 - **(800) 424-9346 or (703) 412-9810**
 - TDD (800) 553-7672 or (703) 412-3323
 - www.epa.gov/superfund/resources/infocenter

Questions and Answers

EPA HQs contact: Troy Swackhammer

swackhammer.j-troy@epa.gov

202-564-1966

